

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
M.G., et al.,

Plaintiffs,

- against -

NEW YORK CITY DEPARTMENT OF  
EDUCATION; NEW YORK CITY BOARD OF  
EDUCATION, et al.,

Defendants.  
-----X

13-CV-4639 (SHS) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves the parties’ dispute about whether the City Defendants’ Judicial Admissions (“Admissions”), and the portions of other documents referencing those Admissions (collectively with the Admissions, the “Sealed Information”), should be maintained under seal. (See Dkts. 515-518.) For substantially the reasons set forth by Plaintiffs in Dkt. 518, the Sealed Information should be unsealed. The City Defendants do not oppose unsealing of the Sealed Information; rather, they oppose the timing of the unsealing. Specifically, the City Defendants contend the Sealed Information should not be unsealed until the Court rules on Plaintiffs’ motion for adverse inferences because doing so will be inefficient and potentially cause confusion about the significance or consequences of the Admissions. The City Defendants also note Plaintiffs’ expressed intent to potentially use the Admissions in other proceedings involving some of the same principal issues at stake in the instant class action. The Court believes that the concerns about “inefficiency” and “confusion” are unduly speculative and overstated, and do not overcome the presumption of public access. While the City Defendants correctly note

that the presumption of public access weighs less in discovery matters than in dispositive matters such as summary judgment, the nature of this particular dispute raises issues that go to the merits and more heavily weighs in favor of maintaining the presumption.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 515.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written above a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: May 29, 2025  
New York, New York

Copies transmitted this date to all counsel of record.